

Mr. Tracy then referred to the letter written by E. O. Larson in connection with the proposed restoration. Mr. Tracy stated that it was his understanding that the Bureau of Reclamation would have no objection to the restoration; however, the letter raises the question as to whether the state of Utah or the United States of America should make the necessary filings to protect the comprehensive development of the Bear River.

Mr. Porter then asked Mr. Larson if the Bureau of Reclamation knew which filings would be necessary and whether such applications could be prepared and be ready for filing during the period of publication of the restoration proclamation. In answer thereto, Mr. Larson stated that in his opinion the Bureau has sufficient information to make the necessary filings. After discussing the matter with Mr. Thomas, Mr. Larson qualified his foregoing statement, stating that, with respect to the Porcupine Site, the Bureau is not far enough along to presently make a filing.

Discussion then shifted to the Hardware Site which will be located on Blacksmith Fork River. It was pointed out that Blacksmith Fork is a tributary to the Logan River and the Logan River and all tributaries were fully restored in 1949. It was the conclusion of Mr. Larson that an application on the Hardware Site could be made immediately. With respect to the Cutler Dam Site, Mr. Larson stated that there is question as to the type of application which must be made. Mr. Larson further pointed out that in view of the recent position taken by the Department of Justice it would be better if the State of Utah would make the necessary filings. Mr. Larson stated that if there are potential projects and filings which could be made to cover such projects, those projects should be protected against promotional filings. It was pointed out that the State Engineer has considerable statutory power to reject applications which have been filed for purposes of speculation. Mr. Larson stated that it may be hard to determine whether an application is speculative in nature. Mr. Porter pointed out that if there is a project which may be constructed in the reasonable future the necessary filings should be made to protect those projects. The filings should be limited to only those projects which may be constructed within the reasonable future and the filings should not be made to cover projects which are not foreseeable. Mr. Raymond Madsen pointed out that the Bureau of Reclamation has an application covering the Porcupine Site.

Mr. Porter pointed out another problem confronted by this office is in connection with the proposed determination of water rights on the Bear River in Summit County. The water users in Wyoming are going ahead and constructing reservoirs and stockwatering ponds in Wyoming since no restriction has been made. As a result, the water users in Utah have gone ahead and constructed stockwatering ponds for those purposes in Utah. Mr. Hubert C. Lambert pointed out that a preliminary investigation shows that approximately 69 to 70 stockwatering ponds and reservoirs have been constructed in Utah without any right. It was Mr. Lamberts opinion that those ponds cover approximately 1,000 to 1,500 acre-feet of water. The ponds and reservoirs were constructed in violation of Utah State Law, however, it is difficult to stop the construction of such ponds when the Wyoming residents can build them without restriction. The State Engineer is faced with a serious threat of bringing a multiplicity of injunctive suits to restrain such unlawful diversion and use of water.